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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY [Signature] DEPUTY

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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY [Signature] DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE Phenylpropanolamine (PPA) Products )  
Liability Litigation )

No MDL 1407

[PROPOSED] *RJR*  
CASE MANAGEMENT ORDER

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This document relates to all actions

# 10

On March 21, 2002, this Court entered Case Management Order No 6 (Case-Specific Fact Discovery Procedures and Plan), which addressed, inter alia, discovery of individual plaintiffs in these MDL proceedings. When that Order was entered there were approximately 439 cases in this MDL. CMO No 6 provided that discovery of these plaintiffs was to be completed by February 28, 2003, and of all subsequently transferred cases within 12 months of the docketing of those cases in this MDL. As of today there are approximately 1,500 total plaintiffs in 736 cases either in or pending transfer to this MDL. Despite the requirement in CMO No 6 that plaintiffs complete a Plaintiff's Fact Sheet (PFS), and despite the efforts of the Defendants and the Plaintiffs' Steering Committee, the Court is informed that there are plaintiffs who have not complied with this requirement.

Therefore, in order to provide for the timely completion of discovery, it is hereby

ORDERED, as follows

1 Only upon the completion of all discovery set out in all case management orders and the disposition of all applicable motions, may cases be considered for suggestion of

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cc:counsel:BJR

remand to their transferor court in a manner and pursuant to a schedule to be determined by this Court. If the defendants contend that the transferor court is not the appropriate United States District Court for the trial of a case in which remand has been requested, they may file the appropriate motion, which will be determined by this Court prior to any suggestion of remand of that case.

2 If any plaintiff has not completely complied with the discovery requirements set forth in the prior Orders of the Court, including the completion of a PFS, his or her case shall not be considered for remand until this Court has determined that the discovery obligations of the plaintiff have been completed, and defendants have had sufficient time, consistent with ¶ VI of CMO No. 6 and ¶ 3, below, to complete case-specific discovery

3        Notwithstanding any deadline for the completion of case-specific discovery set forth in CMO No. 6, if a plaintiff fails to provide complete responses to the PFS, the period for the completion of discovery for his or her case under ¶ VI of CMO No. 6 shall not begin to run until a substantially complete PFS and accompanying authorizations have been provided to defendants.

4        Nothing in this Order shall prevent defendants from seeking additional remedies or sanctions against any plaintiff for failure to comply with the discovery obligations set out in prior CMOs, on a case-by-case basis

5        This Order applies to all cases currently docketed in MDL 1407 or which may  
in the future be docketed in MDL 1407

SO ORDERED this 21<sup>st</sup> day of November, 2002

Barbara Rothstein

Barbara Jacobs Rothstein  
United States District Court Judge

1 Presented by

2 LANE POWELL SPEARS LUBERSKY LLP

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4 By D Joseph Hurson

5 D Joseph Hurson

6 WSBA No 09296

7 *Co-Liaison Counsel for the PPA*

8 *Manufacturer-Defendants*

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[PROPOSED] CASE MANAGEMENT ORDER - 3

Case No MDL 1407

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IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

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Phenylpropanolamine,  
Plaintiff,  
vs.

Defendant.

Case No. 2:01-md-01407

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By:  
Deputy Clerk

DATE: November 22, 2002